



January 25, 2012

## SENATE BILL No. 327

DIGEST OF SB 327 (Updated January 24, 2012 11:56 am - DI 71)

**Citations Affected:** IC 9-13; IC 9-18.

**Synopsis:** Special group and personalized license plates. Make various changes concerning the issuance of special group recognition license plates by the bureau of motor vehicles. Provides for the bureau of motor vehicles to issue personalized license plates on a five year cycle. (Current law provides for personalized license plates to be issued on an annual basis.) Provides that the bureau of motor vehicles may issue distinctive permanent plates to an elected constable of a small claims court.

**Effective:** July 1, 2012.

### Merritt

January 9, 2012, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.  
January 24, 2012, amended, reported favorably — Do Pass.

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SB 327—LS 6778/DI 96+



January 25, 2012

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

## SENATE BILL No. 327

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-13-2-3.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2012]: **Sec. 3.5. "Applicant", for purposes of IC 9-18-25, has the**
- 4 **meaning set forth in IC 9-18-25-1.2.**
- 5 SECTION 2. IC 9-13-2-49.6 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2012]: **Sec. 49.6. "Eligible individual", for purposes of**
- 8 **IC 9-18-25, has the meaning set forth in IC 9-18-25-1.3.**
- 9 SECTION 3. IC 9-13-2-170, AS AMENDED BY P.L.214-2005,
- 10 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2012]: Sec. 170. "Special group" means:
- 12 (1) a class or group of persons that the bureau finds:
- 13 (A) **is based, headquartered, or has a chapter in Indiana;**
- 14 ~~(A) have~~ (B) **has made broad and significant civic,**
- 15 **community, and charitable contributions to the United**
- 16 **States, in Indiana, or the group's community or consists of**
- 17 **individuals who** are descendants of native or pioneer residents

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of Indiana;

**(C) does not discriminate in its membership practices, activities, or provision of services to its community;**

~~(B) are~~ **(D) is** organized as a nonprofit organization (as defined under Section 501(c) of the Internal Revenue Code);

~~(C) are~~ **(E) is** organized for nonrecreational purposes; and

~~(D) are~~ **(F) is** organized as a separate, unique organization or as a coalition of separate, unique organizations, **and is separate from any other organization currently participating in the special group recognition plate program;** or

(2) a National Football League franchised professional football team.

SECTION 4. IC 9-18-2-47, AS AMENDED BY P.L.87-2010, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 47. (a) The commissioner shall adopt rules under IC 4-22-2 prescribing the cycle for the issuance and replacement of license plates under this article. The rules adopted under this section shall provide that a license plate for a vehicle issued under this article is valid for five (5) years.

(b) The rules adopted under this section do not apply to:

(1) truck license plates issued under section 4.5 or 18 of this chapter; **or**

(2) ~~the~~ general assembly and other state official license plates issued under IC 9-18-16. ~~and~~

~~(3) personalized license plates issued under IC 9-18-15.~~

SECTION 5. IC 9-18-3-6, AS AMENDED BY P.L.109-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The bureau may issue distinctive permanent plates under this chapter to each of the following:

(1) The state police department.

(2) The department of natural resources.

(3) County police departments.

(4) City police departments.

(5) The department of correction, for designated departmental vehicles used by correctional police officers appointed under IC 11-8-9-1.

**(6) An elected constable of a small claims court, as set forth in IC 33-34-6-4.**

SECTION 6. IC 9-18-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A personalized license plate may be the same color and size and contain similar



required information as regular license plates issued for the respective class of vehicle.

(b) A personalized license plate is limited to the:

(1) numerals 0 through 9; or

(2) letters A through Z;

in a continuous combination of numbers and letters with at least two (2) positions.

(c) A personalized license plate may not be issued to duplicate a regularly issued plate.

(d) Only one (1) personalized plate, without regard to classification of registration, may be issued by the bureau with the same configuration of numbers and letters.

SECTION 7. IC 9-18-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A person who applies for:

(1) a personalized license plate; or

(2) the renewal of a personalized license plate in the subsequent period;

must file an application in the manner the bureau requires, indicating the combination of letters or numerals, or both, requested. ~~as a registration number.~~

(b) The bureau may refuse to issue a combination of letters or numerals, or both, that:

(1) carries a connotation offensive to good taste and decency; or

(2) would be misleading; or

**(3) the bureau otherwise deems not proper for issuance.**

SECTION 8. IC 9-18-15-5.5, AS ADDED BY P.L.103-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5.5. ~~After December 31, 2006,~~ The bureau shall issue personalized license plates ~~annually.~~ **on the same five (5) year cycle prescribed for license plates under IC 9-18-2-47.**

SECTION 9. IC 9-18-15-8, AS AMENDED BY P.L.2-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) If a person has registered a vehicle and has been issued a personalized license plate for use on a leased vehicle, and:

(1) the person cancels the lease; or

(2) the lease expires during the registration year;

the person may transfer the registration to another vehicle eligible to be registered under this chapter.

~~(b) A transfer of a license plate under subsection (a) must take place not more than thirty-one (31) days after the expiration of the lease.~~



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(e) (b) The bureau may reissue the license plate with the combination of numerals and letters returned under subsection (a) upon receiving an application for registration under this chapter.

SECTION 10. IC 9-18-15-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 9: A person who has registered a vehicle with the current year's license plate and applies for a personalized license plate for the same vehicle shall surrender the regular license plate and registration to the bureau when the personalized license plate is delivered to the person.

SECTION 11. IC 9-18-15-10, AS AMENDED BY P.L.233-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) In addition to the applicable excise tax imposed under IC 6-6-5, the regular registration fees, and any additional fee required to receive a special recognition license plate described in section 1(b) of this chapter, a person applying for or renewing the registration of a personalized license plate shall pay the personalized license plate fee under IC 9-29-5-32.5 upon an original application or registration renewal, as provided in this chapter.

(b) ~~Each license branch~~ The bureau shall collect the personalized license plate fee at the time of application or registration renewal for the personalized license plate.

(c) Upon the payment of the required fee and service charges for an original application or renewal of a personalized license plate, the bureau shall issue a receipt. ~~designating and acknowledging a state fee and the service charge under IC 9-29:~~

(d) ~~The payment of regular registration fees and excise tax, if applicable, may be deferred until the time that the personalized license plate is delivered to the person who applied for the plate:~~

(e) ~~A license branch~~ (d) The bureau shall collect the service charge prescribed under IC 9-29 for each initial or renewal application for a personalized license plate as a reservation and special processing fee.

SECTION 12. IC 9-18-15-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. If a person who applies for a personalized license plate with a given configuration of letters or numbers is not able to obtain the license plate requested or a satisfactory alternative configuration, ~~a license branch~~ the bureau shall refund the entire **personalized license plate** fee to the person. However, a refund of a personalized license plate fee may not be made when the person who applies for the personalized license plate cancels the request.

SECTION 13. IC 9-18-25-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



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[EFFECTIVE JULY 1, 2012]: **Sec. 1.2. As used in this chapter, "applicant" means a person who has submitted a request to register a vehicle displaying an approved special group recognition license plate.**

SECTION 14. IC 9-18-25-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 1.3. As used in this chapter, "eligible individual" means a person who:**

**(1) owns a vehicle with a special group recognition license plate; or**

**(2) is otherwise able to register a vehicle with a special group recognition license plate, if approved.**

SECTION 15. IC 9-18-25-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 2. (a) The bureau shall adopt rules under IC 4-22-2 ~~establishing~~ to establish the requirements to qualify for participation in the special group recognition license plate program, provide for the administration of this chapter, and set the amount of fees for special group recognition license plates.**

**(b) Representatives of a special group shall ~~petition~~ apply to the bureau to qualify for participation in the special group recognition license plate program.**

**(c) Each ~~petition~~ application submitted under this section must contain the printed name, address, and signature of at least five hundred (500) members of the special group eligible individuals who pledge to purchase the special group recognition license plate if a special group recognition license plate is issued for the group under this chapter.**

**(d) When a ~~petition~~ an application containing the information required in ~~subsection (c)~~ this section is submitted to approved by the bureau, the bureau may design and issue a special group recognition license plate that designates a vehicle as being registered under this chapter by a person (as defined in IC 9-13-2-124) who is a member of, or is otherwise eligible to purchase the plate of, the special group.**

SECTION 16. IC 9-18-25-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 3. (a) The design of a special group recognition license plate issued under this chapter must be a distinct design and must include an emblem that identifies the vehicle as being registered to a person who:**

**(1) is a member; or**

**(2) is otherwise eligible to purchase the plate; of a the special group.**

**(b) A special group license plate must be treated with special**



reflective material designed to increase the visibility and legibility of the special group license plate.

SECTION 17. IC 9-18-25-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The bureau:

(1) shall require representatives of a special group to confer with the bureau concerning the design of the emblem that identifies the vehicle as being registered to a person who is a member of, **or is otherwise eligible to purchase the plate of, a** the special group; and

(2) may request a list of the names and addresses of the persons who are

(A) members of the special group **and**

(B) **or are otherwise eligible for a to purchase the** special group recognition license plate.

SECTION 18. IC 9-18-25-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) ~~Except as provided in subsection (c);~~ A vehicle bearing a special group recognition license plate issued under this chapter may be used ~~only for private and personal purposes.~~ **for any lawful purpose.**

(b) A person who does not qualify for the special group recognition license plate may not display a special group recognition license plate on a vehicle the person is required to register.

(c) ~~A vehicle:~~

(1) ~~owned by a corporation (as defined in IC 6-5.5-1-6); a municipal corporation (as defined in IC 36-1-2-10); a partnership (as defined in IC 6-3-1-19); or a sole proprietor; and~~

(2) ~~bearing an environmental license plate issued under IC 9-18-29;~~

~~may be used for any lawful purpose.~~

SECTION 19. IC 9-18-25-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) The bureau ~~shall~~ **may** terminate an organization's qualification for the special group license plate program ~~and no further special group recognition license plates shall be issued for an organization~~ if less than two thousand (2,000) of the organization's special group license plates are sold or renewed in the first four (4) years of the five (5) year period beginning the earlier of January 1, 2002, or January 1 of the year in which the organization's special group license plate is first issued. The bureau shall reevaluate ~~the an~~ organization's qualification for the special group license plate program every five (5) years thereafter. The bureau ~~shall~~ **may** terminate ~~the an~~ organization's qualification for the special group license plate program ~~and no further special group~~



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recognition license plates shall be issued for an organization if less than two thousand (2,000) of the organization's special group license plates are sold or renewed in the first four (4) years of a subsequent five (5) year period.

**(b) If the bureau terminates an organization's qualification under this section, no further special group recognition license plates shall be issued for the organization unless the organization reapplies and again meets the requirements under section 2 of this chapter.**

SECTION 20. IC 9-18-25-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 17: (a) This section applies to a special group if at least ten thousand (10,000) of the special group's license plates are issued under this chapter in the first four (4) years of a five (5) year plate cycle beginning after December 31, 2001.

(b) Notwithstanding section 3 of this chapter, the representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) A special group license plate must be treated with special reflective material designed to increase the visibility and legibility of the special group license plate.

SECTION 21. IC 9-18-25-17.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 17.5: (a) This section applies to a special group if at least five thousand (5,000) of the special group's license plates are issued under this chapter during one (1) calendar year beginning after December 31, 2004.

(b) Notwithstanding section 2 of this chapter, the representatives of the special group may petition the bureau to design a distinctive license plate that identifies a vehicle as being registered to a person who is a member of the special group.

(c) The design of the special group license plate must include a basic design for the special group recognition license plate with consecutive numerals or letters, or both, to properly identify the vehicle.

(d) A special group license plate must be treated with special reflective material designed to increase the visibility and legibility of the special group license plate.

(e) Beginning with the calendar year following the year in which the



representatives petition the bureau under subsection (b); the bureau shall issue the special group's license plate to a person who is eligible to register a vehicle under this title who:

(1) completes an application for the license plate; and

(2) pays the following fees:

(A) The appropriate fee under IC 9-29-5-38(a);

(B) An annual fee of twenty-five dollars (\$25);

(f) The annual fee referred to in subsection (e)(2)(B) shall be collected by the bureau and deposited in a trust fund for the special group established under subsection (g). However, the bureau shall retain two dollars (\$2) for each license plate issued until the cost of designing and issuing the special group license plate is recovered by the bureau.

(g) The treasurer of state shall establish a trust fund for each special group for which the bureau collects fees under this section.

(h) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds are invested. Interest that accrues from these investments shall be deposited in the fund. Money in the fund is continuously appropriated for the purposes of this section. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The commissioner shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

(j) On June 30 of each year, the commissioner shall distribute the money from the fund to the special group for which the bureau has collected fees under this section.

(k) The bureau may not disclose information that identifies the persons to whom special group license plates have been issued under this section.

SECTION 22. IC 9-18-25-17.7, AS AMENDED BY P.L.87-2010, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17.7. (a) Notwithstanding any other law, representatives of a special group that participates in the special group recognition plate program may request that the bureau collect an annual fee of **up to** twenty-five dollars (\$25) on behalf of the special group.

(b) If a request is made under subsection (a), the bureau shall collect the following fees:

(1) The appropriate fee under IC 9-29-5-38(a).

(2) An annual fee of **up to** twenty-five dollars (\$25).

(c) The annual fee referred to in subsection (b)(2) shall be collected

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1 by the bureau and deposited in a trust fund for the special group  
2 established under subsection (d).

3 (d) The treasurer of state shall establish a trust fund for each special  
4 group for which the bureau collects fees under this section.

5 (e) The treasurer of state shall invest the money in the fund not  
6 currently needed to meet the obligations of the fund in the same  
7 manner as other public funds are invested. ~~Interest that accrues from~~  
8 ~~these investments shall be deposited in the fund.~~ Money in the fund is  
9 continuously appropriated for the purposes of this section. Money in  
10 the fund at the end of a state fiscal year does not revert to the state  
11 general fund.

12 (f) The commissioner shall administer the fund. ~~Expenses of~~  
13 ~~administering the fund shall be paid from money in the fund.~~

14 (g) ~~Before June 30 of each year,~~ The commissioner shall distribute  
15 **monthly** the money from the fund to the special group for which the  
16 bureau has collected fees under this section.

17 (h) Subject to section 18 of this chapter, the bureau may not disclose  
18 information that identifies the persons to whom special group license  
19 plates have been issued under this section.

20 (i) If:

21 (1) representatives of a special group have collected an annual fee  
22 as set forth in subsection (a) from purchasers of the special group  
23 recognition license plates that was paid directly to the special  
24 group; and

25 (2) the representatives of the special group request the bureau to  
26 collect the annual fee on behalf of the special group as set forth in  
27 subsection (a);

28 representatives of the special group may request the bureau to change  
29 the method of collection of the annual fee for the following calendar  
30 year. The representatives of the special group must make a request  
31 under this subsection by July 1 of the year preceding the year for which  
32 the change has been requested. The group may request only one (1)  
33 change in the method of collection in a plate cycle.

34 (j) If:

35 (1) the bureau collects an annual fee as set forth in subsection (a)  
36 on behalf of a special group; and

37 (2) representatives of the special group request the bureau to  
38 cease collection of the annual fee as set forth in subsection (a) on  
39 behalf of the special group as the annual fee will be paid directly  
40 to the special group by purchasers of the special group  
41 recognition license plates;

42 representatives of the special group may request the bureau to change

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the method of collection of the annual fee for the following calendar year. The representatives of the special group must make a request under this subsection by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle.

SECTION 23. IC 9-18-25-18, AS ADDED BY P.L.87-2010, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 18. (a) This section applies to ~~an application form~~ **a request** for a special group recognition license plate that:

- (1) is subject to an annual special group fee; and
- (2) does not require an applicant to obtain authorization from the special group that sponsors the license plate.

(b) ~~The application form must include a box for the~~ **An applicant to check that states shall be given the following:**

~~"By checking opportunity to authorize the above box, I am authorizing disclosure of the personal information of the applicant when requesting the special group recognition license plate, as follows:~~

**"I authorize** the bureau of motor vehicles to disclose my personal information included ~~on in~~ **this application form to the request for a special group license plate to the special group** that sponsors the license plate for which I am applying. I understand that:

- (1) the special group may contact me with information about its activities but may not use my personal information primarily for fundraising or solicitation purposes;
- (2) the bureau will not disclose my personal information to any other person or group; and
- (3) the special group will not disclose my personal information to any other person or group without my written consent."

(c) ~~If an applicant checks the box~~ **authorizes the disclosure of the personal information of the applicant described in under** subsection (b), the bureau may disclose ~~the applicant's~~ **the applicant's** personal information ~~about the applicant included on the application form~~ only to the special group that sponsors the license plate.

(d) If a special group receives personal information disclosed under subsection (c), the special group:

- (1) may contact the applicant with information about the special group's activities;
- (2) may not contact the applicant primarily for fundraising or solicitation purposes; and
- (3) may not disclose the applicant's personal information to any



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1 other person or group without the applicant's written consent.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 327, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 5. IC 9-18-3-6, AS AMENDED BY P.L.109-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The bureau may issue distinctive permanent plates under this chapter to each of the following:

- (1) The state police department.
- (2) The department of natural resources.
- (3) County police departments.
- (4) City police departments.
- (5) The department of correction, for designated departmental vehicles used by correctional police officers appointed under IC 11-8-9-1.
- (6) An elected constable of a small claims court, as set forth in IC 33-34-6-4."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 327 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 9, Nays 0.

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